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6 Counsel for Defendant
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8
9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12 UNITED STATES OF AMERICA,) No. CR 07-0645 MMC
13 vs. Plaintiff,)
14 EDWARD L. MOORE,) **STIPULATION AND PROPOSED
15 Defendant.) ORDER CONTINUING SENTENCING
16 HEARING**
17)
18) No Hearing Requested
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14 The defendant, Edward L. Moore, through counsel of record, hereby moves this Court to
15 continue the date of defendant's sentencing one week from September 17, 2008 until September
16 24, 2008, or whatever date thereafter is convenient to the Court, to allow sufficient time for the
17 defendant to review and respond to the preliminary 35-day pre-sentence received from the
18 probation department.

19 AUSA Silano has no objection to this request and is available on September 24, 2008.
20 The probation department has been notified on this pending request.

21 1. The defendant has pled guilty to possession with intent to distribute heroin, in
22 violation of 21 U.S.C. section 841(a)(1).

23 2. On August 29, 2008, the United States Probation Department provided the
24 defendant's counsel with the 35 day pre-sentence report. However, because of the 3-day
25 weekend and counsel's schedule, counsel could not see the defendant and confer with him until
26 September 3, 2008. Mr. Moore is currently reviewing the report in detail and counsel will confer

1 with him again in the next several days.

2 3. On September 3, 2008, counsel for Moore submitted a letter of proposed
3 corrections and objections to the probation officer, and is currently researching an issue regarding
4 the defendant's criminal history. In light of the tightness of the current schedule, counsel asks
5 the court to continue the sentence an additional seven days. This continuance will allow counsel
6 to complete the legal research, confer with Moore, and submit final objections to the probation
7 department, then allow the probation department time to consider the defendant's position before
8 issuing the final report.

9 4. On September 4, 2008, AUSA Silano informed counsel that she had no objection to
10 this request, and that she is available on the proposed date of September 24, 2008.

11 5. On September 3, 2008, counsel for defendant Moore sent a letter by facsimile to
12 the probation officer, informing her that counsel would file a motion today to continue the
13 sentencing date.

14 6. On September 3, 2008, counsel and defendant Moore discussed moving the
15 sentencing date and Moore specifically agreed to this request

16 7. As defendant Moore has entered a plea of guilty, the Speedy Trial clock is tolled and
17 there are no speedy trial concerns implicated in this request.

18 8. The parties accordingly ask the Court to continue the matter until September 24, 2008,
19 to allow counsel for the defendant time to respond to the 35-day pre-sentence report.

WHEREFORE, the defendant asks this Court to continue the date for defendant's sentencing hearing until September 24, 2008.

/S/